

# Exhibit B



February 22, 2021

*By Email and FedEx*

Scott de la Vega, Acting Secretary  
U.S. Department of the Interior  
1849 C Street N.W.  
Washington, D.C. 20240  
scott.delavega@sol.doi.gov

Martha Williams, Principal Deputy Director  
U.S. Fish & Wildlife Service  
1849 C Street N.W., M/S 3012  
Washington, D.C. 20240  
martha\_williams@ios.doi.gov

Re: Notice of Violation of the Endangered Species Act: 2021 Revisions to Northern  
Spotted Owl Critical Habitat, 86 Fed. Reg. 4,820 (Jan. 15, 2021)

Greetings:

On behalf of Defenders of Wildlife and Bark,<sup>1</sup> we write to provide you notice, pursuant to 16 U.S.C. § 1540(g), that the U.S. Fish and Wildlife Service's ("FWS") decision to revise critical habitat for the northern spotted owl violates the Endangered Species Act ("ESA") and the Administrative Procedure Act ("APA"). These organizations join Audubon Society of Portland, Cascadia Wildlands, Center for Biological Diversity, Conservation NW, EPIC, Klamath-Siskiyou Wildlands Center, Oregon Wild, Sierra Club, and The Wilderness Society, who previously provided your predecessors with notice of intent to sue for the same violations on January 19, 2021. We attach a copy of our January 19, 2021 notice letter and incorporate it here by reference.

FWS published the Final Rule in the Federal Register on January 15, 2021. *Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Northern Spotted Owl*, 86 Fed. Reg. 4,820 (Jan. 15, 2021) ("Final Rule"). Despite soliciting comment on a proposed rule that excluded approximately 200,000 acres of critical habitat, **the final critical habitat rule eliminated nearly 3.5 million acres of critical habitat for the owl.** The Final Rule will become effective 60 days following Federal Register publication or on March 16, 2021. Unless FWS withdraws the 2021 Northern spotted owl Critical Habitat Rule and remedies its legal violations, at the end of 60-days' time, we will commence litigation to challenge and vacate the Rule.

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<sup>1</sup> We have attached a list of these organizations' business addresses to the end of this letter.

Scott de la Vega, Acting Secretary, U.S. Department of the Interior  
Martha Williams, Principal Deputy Director, U.S. Fish & Wildlife Service  
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FWS's issuance of the Final Rule violates the ESA, fails to use the best science, and is arbitrary and capricious. It also violates the APA, as the Final Rule is not a logical outgrowth of the proposal that the public reviewed and commented upon. If FWS fails to withdraw the Final Rule within 60 days of receiving this letter, the named organizations intend to file legal claims for declaratory and injunctive relief. *See* 16 U.S.C. § 1540(g).

If you believe any of the foregoing is in error, have any questions, or would like to discuss this matter, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink that reads "Kristen L. Boyles".

Kristen L. Boyles, Earthjustice  
Susan Jane M. Brown, Western Env'tl. Law Center  
Ryan Shannon, Center for Biological Diversity

Business Addresses for Named Organizations

**Defenders of Wildlife**

1130 17th Street N.W.  
Washington, D.C. 20036  
800-385-9712

**Bark**

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Portland, OR 97232  
503-331-0374